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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Third periodic reports of States parties

Addendum

POLAND

* For the initial report submitted by the Government of Poland, see CEDAW/C/5/Add.31; for its consideration by the Committee, see CEDAW/C/SR. 90, CEDAW/SR. 95 and CEDAW/SR. 96, and Official Records of the General Assembly, forty-second session Supplement No. 38 (A/42/38), paras. 305-369, for second periodic report submitted by the Government of Poland, see CEDAW/C/13/Add.16.

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INTRODUCTION

1. The Government of the Republic of Poland as a State party to the Convention on the Elimination of All Forms of Discrimination against Women of 1979, hereby submits, in accordance with Article 18, its Third Report on the progress made in implementation of the Convention.

2. The Second Report was submitted to the Secretary General of the United Nations in 1988 and it covered the period ending on 31 May 1988. Therefore the Third Report provides an information on the changes which took place in the national legislation and practice in the period from 1 June 1988 to 31 May 1990.

3. However, when evaluating the current situation we have to make the following reservations:

- A part of the Report (e.g. respecting unemployment, wages or female participation in decision making), although based on the statistical data as at the end of May or even June 1990, may soon become out of date, due to the rapid changes in the political, social and economic situation of Poland;

- A part of the Report is based on the statistical data of 1988 (latest available), but it is none the less valuable as it allows for revealing the trends in development of situation in fields in which it is not subject to so rapid changes (e.g. education, demographic information).

4. The Report has been elaborated in accordance with the "General guidelines regarding the form and contents of reports".

PART I

5. (1) The reporting period was characterised in Poland by the fundamental changes in the political, economic and social system. The deteriorating economic situation of the country as well as social and political tensions, increasing public popularity of the political opposition, pushed to the underground through the declaration of the martial law in Poland in 1981, all this resulted in the round-table negotiations with the opposition with participation of the ruling parties.

6. In effect of the round-table negotiations a political agreement has been reached on the division of mandates in election to the Seym and on the free election to the newly established higher chamber of the Parliament - the Senate.

7. The election, carried out in June 1989, although not fully democratic, nevertheless has brought the defeat to the ruling Polish United Workers' Party and the victory to the opposition associated in the Citizens' Committee "Solidarity". The Prime Minister, deriving from the opposition, has formed the government of the wide coalition composed of representatives of all parties taking part in the election . At the same time the Parliament has established an institution of the President, entrusting this function to Wojciech Jaruzelski - the leader of the Polish United Workers" Party.

8. The Government of the Prime Minister Mazowiecki has started its activity in the situation of deep economic crisis. Its most important task was - beside the fundamental change of the political system - an economic reform.

9. The programme of transformation of the centrally planned economy into the market economy, elaborated by the Deputy Prime Minister Leszek Balcerowicz and consulted with experts of the International Monetary Fund, first of all provided for the inflation decline with the considerably lower real incomes of the population and an inevitable decrease in production, growth of unemployment and then anticipated the economic advancement.

10. The implementation of this programme made it necessary to prepare several economic and financial acts which would allow for abandoning the centrally planned system in favour of more flexible system based on market mechanisms. Besides, new social legislation was needed which would adjust the social policy of the state to changed economic conditions.

11. At the same time the political reform was carried out which aimed at the democratisation of all spheres of life. This reform guarantees full implementation of the civil rights and freedoms, what is described in detail in the report of the Government of Poland on the implementation of the Covenants of Human Rights. The election to the local self-government people's councils - (carried out on 24 May 1990) was a very important stage of this reform. It was the first fully democratic election in Poland after the World War II.

12. In so complex and changing political and economic conditions the situation of women also had to undergo changes. On one part - an economic crisis deteriorated material situation of population creating at the same time such new dangers as unemployment - unknown in the socialist economy. On the other part - women, similarly as the rest of the society, were offered the opportunity of wide participation in the political and social life, for the first time in such extent after the World War II.

(2) STATISTICAL DATA

13. Women in Poland represent 51.2 per cent of population. There are 105 females for each 100 males[1], (108.2 females in urban and 100.3 in rural areas). Females represent 48.3 per cent of population in the productive age, 48.8 per cent of population in the pre-productive age and 70.8 per cent of population in the post-productive age[2]. 65 per cent of females in the productive age live in urban areas (61.5 per cent of males)[3].

Education

14. According to the Demographic Yearbook of 1988 females represented 47 per cent of population with third-level education (aged 15 years and over) and 59.5 per cent of population with the second-level education, while among males the basic vocational education prevailed.

15. In the school year 1988/89 females represented 58.3 per cent of students of second-level schools (including 72.5 per cent of students of second-level schools providing general education), 76.6 per cent of students of post-secondary schools and 51.8 per cent of students of third-level schools[4].

16. In 1988 females represented 54.5 per cent of graduates of higher studies, including:

- 17.9 per cent of graduates of technical studies,
- 42.5 per cent of graduates of agricultural studies,
- 51.5 per cent of graduates of economic studies,
- 49.8 per cent of graduates of law and administrative studies,
- 80 per cent of graduates of classical studies,
- 66.1 per cent of graduates of mathematics and natural science,
- 67.7 per cent of graduates of medical studies,
- 53.3 per cent of graduates of art academies.[5]

Employment

17. In 1988 females represented 45 per cent of the working population (46 per cent in the socialised economy and 51.4 per cent in non-socialised agriculture)[6], and almost 72 per cent of females in productive age were economically active.

18. The highest economic activity of females is between 35 and 44 years of age (84.1 per cent of females in this age group are economically active, including 92.1 per cent in agriculture and 82.4 per cent outside agriculture).

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1 Rocznik Statystyczny of 1989, p. 43, Table 2(70);
2 Ibid, p. 44, Table 4(72);
3 Ibid, p. 45, Table 5(73);
4 Ibid, p. 451, Table 3(659);
5 Statistical Yearbook of Poland, p. 462 and 463, Table 24(680);
6 Data of the National Population Census of 1988;

19. Among females employed in the socialised economy in 1983,[7] 60.7 were employed in the sphere of material production (almost a half of them in industry and 26.6 per cent in trade)

20. Relatively the highest percentage of females in the sphere of material production in the socialised economy was in the following sectors: trade (69 per cent), communication (58.2 per cent) and industry (37.2 per cent).

21. Females' share in total employment in the sphere of material production was 37.4 per cent.[8]

22. In the sphere outside the material production females dominated. Their share in total employment in this sphere amounted to 70.1 per cent and it was the highest in the following sectors:

-	finances and insurance	84.2%
-	health and social protection	80.2%
-	education	76.3%
-	state administration and justice	63.6%
-	culture and art	62.5%
-	physical culture, tourism and recreation	53.4%

23. In 1988, 7.6 per cent of women-workers were employed on a part-time basis, including 61.3 per cent of pensioners (data concern only the main place of employment)[9].

24. In the structure of female employment married women dominate (75 per cent).

Unemployment[10]

25. As at 31 July 1990 the number of registered unemployed at the entire territory of Poland amounted to 699 262 persons, representing ca 5.2 per cent of the total employment in the national economy (excluding individual agriculture).

26. Females represented 48.9 per cent of the total unemployment (in January 1990 - 40.7 per cent). Among the unemployed women there dominate persons aged: 31-40 years (31.2 per cent), 25-30 years (19.7 per cent) and 21-24 years (18.7 per cent).

27. It should be noted that the unemployment rate for young females is higher than for young males.

28. As at 31 July 1990, for every vacancy there were 15 unemployed, respectively 9 males and 36 females (in 14 voivodships for every vacancy for females there were from 108 to 436 unemployed females and in 8 voivodships from 5 to 20 unemployed females).

29. It should be emphasised that a considerable part of the registered unemployed persons (39.2 per cent, including 41.3 per cent of females) have not been employed for the recent 3 months.

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7 op. cit.;

8 Statistical Yearbook of Poland of 1989, p. 69, Table 6(105);

9 Statistical Yearbook of Poland of 1989, p. 69, Table 6(105);

10 Statistics of the Ministry of Labour and Social Policy;

Wages

30. The Main Statistical Office does not incorporate gender issues in its statistics concerning wages at the comparable posts. Sex-differentiated statistics on wages in the socialised economy take into account only the division to workers' and non-workers' posts and come from the studies on wages distribution, conducted each 5 years, and from results of household surveys.

31. These surveys conducted in 1987 and 1988 indicate that women on average earn by 30 per cent less than men. Results of other studies are similar. For example, surveys concerning the socialised economy workers conducted in September 1980 and September 1985 indicate that women's wages were lower respectively by ca 33 and 29 per cent than men's wages.

32. Taking men's wages as 100, women's wages in 1988 amounted to:

-	total employment	71.6%
-	employed at:	
--	workers' posts	68.6%
--	non-workers' posts	69.8%

33. However, the above data do not show males and females wages at the comparable posts. The problem is much more complex than average wages show.

Female participation in decision-making

34. Female participation in decision-making is disproportionate to their skills and employment level. Although females represent 28.1 per cent of the managerial staff (from foremen to key posts in state administration), their advancement usually stops at lower and medium levels. The higher the management level the lower is women's participation.

35. Studies respecting female participation in the managerial staff in state administration (from a adviser to a minister) indicate that as at 31 May 1990 females represented only 12.7 per cent of this staff. Female participation at the posts of ministers was only 5.2 per cent.

36. Female participation in decision making positions in 16 ministries and 3 central offices was the following:

		Number of females	Participation at managerial posts
-	minister	1	5.2%
-	secretary of state	1	6.2%
-	undersecretary of state	6	8.0%
-	director general	2	11.1%
-	director of department	25	9.7%
-	deputy director of dpt.	60	20.7%
-	adviser of the minister	33	9.9%

37. The highest rate of female participation in the managerial staff is noted in the following ministries:

	Number of females	Participation at managerial posts
- Ministry of Culture and Arts		35.4%
- Ministry of Health and Social Protection		34.6%
- Ministry of Labour and Social Policy		30.0%
Ministry of Finance		17.7%
Ministry of National Education		17.6%

38. The lowest rate of female participation in the managerial staff is noted in the following ministries:

- Ministry of Foreign Affairs	0.5%
- Ministry of International Economic Co-operation	2.3%
- Central Planning Office	5.0%
- Ministry of Justice	7.1%

39. No female occupies the post of a voivod (a head of the local state administration).

40. Females represent 13 per cent of deputies to the Seym and 6 per cent of senators. Their participation in the territorial self-government after the May election amounts only to 11 per cent and at managerial positions in the local self-government - 6.4 per cent. Only one woman is an ambassador.

Family[11]

41. At the end of 1988, 62.2 per cent of total number of families in Poland lived in urban areas. However a rural family was larger than an urban one, what was the effect of considerably greater fertility of rural women. Female fertility rate (number of live births per 1000 women from 15 to 49 years of age), for the years 1979-1988, in urban areas amounted to 63 and in rural areas - 91.

42. In 1988, married couples with children represented 61.8 per cent of the total number of families (including 42.9 per cent with two children and 36.6 per cent with one child), while married couples without children represented 22.8 per cent of families, single-parent households headed by women 13.7 per cent and single-parent households headed by men - 1.7 per cent. In urban areas proportions were respectively: 60.9 per cent, 22.3 per cent, 15.0 per cent and 1.8 per cent, while in rural areas: 63.4 per cent, 23.6 per cent, 11.3 per cent and 1.7 per cent.

43. (3) In the Second Report of the Government on the implementation of the Convention three women's organizations operating in Poland were mentioned: the League of Polish Women, the Organization of Circles of Rural Housewives and the National Committee of Women in Co-operatives. These were large organizations of the monopolist character.

44. In the changed socio-economic situation, one of them ceased its activity (National Committee of Women in Co-operativas) in effect of the reform of co-operative movement in Poland (liquidation of the central co-operative unions).

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11 Statistics of the Main Statistical Office;

45. The remaining two organizations still function, although they face serious financial and organizational problems. On one part their problems result from application of the principle of not subsidizing the activity of social organizations from the state budget and on the other part from the loss of the monopolist character by these organizations. Certain their sections, which previously could function only in their structure, now become independent (for example the Lawyers is becoming the Association of Women Lawyers).

46. Besides, new grass-roots women's organizations emerged. Some of them (for example 4 feminist organizations) have already functioned informally since mid 1980's. The other have just been formed. They have already acquired the status of associations or apply now for the registration.

47. Membership of feminist movements differs but usually it does not exceed 200 persons. Majority of these organizations function in urban areas, mainly in voivodship towns (7 in Warsaw, 4 in Poznan). Almost all of them represent intellectuals.

48. Their names: Club, Association, Commission, Movement, Confederation indicate the differentiated goals and spheres of activity. As the goals of their activity they mention most frequently: protection of women's rights, liquidation of all forms of their discrimination, combating anti-abortion laws, ensuring larger accessibility of modern contraceptives.

49. Besides, female sections in the trade unions have emerged (in the All-Poland Alliance of Trade Unions and the National Committee of the Independent Self-governing Trade Union "Solidarity") as well as in political parties. They aim at the prevention of female unemployment and at equal treatment of women in employment.

50. Nevertheless, due to rapid changes of situation, it is difficult to assess the actual state of political and social organizations in Poland.

51. Certain women's groups (e.g. Women's Self-Help Movement from Warsaw) aim at assisting women being in difficult economic situation in acquiring skills enabling them to start economic activity at their own account (most frequently the home-based work).

52. Similar activity has also been initiated by some of the women's weekly magazines. And so, the weekly magazine "Przyjaciolka" created the Foundation for rendering financial assistance to persons who are in difficult situation but have the plan of changing this situation. The Foundation assists starting home-based activities. In two years of its functioning the Foundation distributed 21 million zlotys.

53. Another weekly magazine "Gospodyni", addressed to rural women, assisted in contacts of Polish institutions and private persons with the World Women's Bank. The first activities credited by this Bank were carried out in rural areas. There is the project of organization of the branch of this Bank in Poland.

54. (4) In the changing political and economic situation in the country the role of the Government Plenipotentiary for Women's Affairs has also changed. One of her basic goals is to survey governmental activities to ensure that the new legal acts do not infringe equal rights of women in all spheres of life, another is to promote women's activity in the social, economic and political life.

55. Importance of the activity of the first type is proved by the fact that at the end of 1989 and in 1990 not only the basic economic laws were amended but also legal provisions concerning all spheres of law, social policy and employment.

56. As regards the second sphere of activities of the Government Plenipotentiary for Women's Affairs, it should be mentioned that she has entered into co-operation with the majority of non-governmental women's organizations and groups, with female press and research workers dealing with women's problems. Beside the working contacts a permanent form of cooperation has been established, the so called "Women's Forum".

57. The Forum discusses all the problems interesting for women both at a given time and long-term questions, connected with the social, political and economic advancement of women, changes in social consciousness for achieving full and real equality of women. Besides, programmes of meetings comprise information on activities in favour of women carried out at the international level (mainly in the United Nations).

PART II

Article 5 of the Convention

58. Modification of social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customs and all other practices which are based on stereotyped roles for men and women is one of the standards most difficult to implement.

59. Undoubtedly, implementation of this Article is favoured by such activities as dissemination of international documents and conferences concerning women's issues, or organizations of conferences and meeting devoted to these issues.

60. In the reporting period we celebrated the tenth anniversary of the adoption by the United Nations of the Convention on the Elimination of All Forms of Discrimination against Women as well as of its ratification by Poland. On this occasion the text of the Convention has been published together with the list of all the international Conventions respecting the status of women, binding Poland.[12]

61. In this period there were organized several conferences concerning women's issues including:

- International Seminar on "Women in development" organized in May 1989 in Warsaw of the Office of Scientific and Technical Progress in co-operation with the UNDP and the Division for the Advancement of Women of CSDHA, with participation of 56 representatives of the so called Eastern European countries, Western European and Arab countries. The discussions were carried out in 3 working groups: the family and society, responses in the formal and informal sectors as well as legislative policy innovations;

- III Feminist Session on "Women's liberation from the patriarchal model of family" organized in March 1990 in Cracow by the Institute of Sociology of the Jagiellonian University, in which ca 20 participants took part representing women's movements and scientific circles;

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12 It is contained in a separate publication concerning human rights and in the monthly "Sluzba Pracownicza" (Personnel service), disseminated in enterprises. Besides, it has been delivered to all the women's organizations;

- I National Feminine Conference organized in May 1990 in Lublin by the Interdisciplinary Group for the Feminine Studies of the Maria Curie Sklodowska University, during which 30 papers were presented. They concerned various issues connected with the life and culture of Polish women. Participants of the Conference adopted a resolution concerning organization by the Lublin University of annual international conferences on women's issues;

- Conference organized by the American Studies Centre of the Warsaw University and the US Indiana University on "Women on the job in Europe and the USA in the 1980's: their social, economic and cultural status", in May 1990 in Warsaw, with participation of scientists, representatives of women's organizations and other persons concerned from Poland, the USA, the Federal Republic of Germany and Hungary. Papers presented during the Conference dealt with: female participation in the political life, women's discrimination in employment, women in science and family. The Conference enabled the exchange of opinions on differences and similarities of women's situation in post-communist and rich Western countries.

62. Activities aiming at dissemination and promotion of the principle of equality of men and women are also carried out by mass media. And so, for example, programmes for children and youth of the Polish Television aim at education of young generation in the spirit of equality of both sexes, changing the social and cultural patterns based on stereotyped roles for men and women, promoting the division of home responsibilities among all the family members.

63. Among the television programmes for adults concerning women's issues the following could be mentioned:

- "Intimate talks" - periodical programme on the family life, contacts of women and men, disseminating the principles of equality of sexes, eliminating certain traditional and cultural barriers, emphasising the role of a father in an education process;

- "The club for persons with the past", presenting persons who have attained high social position (both men and women).

Article 7

64. (a) The Electoral Law governing election to the Seym of the 10th term (1989-1993) and the Law governing elections to the Senate (both of 7 April 1989, Dziennik Ustaw No. 19, Texts 102 and 103), similarly to previous electoral laws - confirmed the right to vote in national elections and the right to stand for elections "irrespective of sex" to both chambers of the Parliament (provided for by Article 67 paragraph 2 and Article 78 paragraph 1 of the Constitution).

65. The Electoral Law governing election at the level of the commune of 8 March 1990 (Dziennik Ustaw No. 16, Text 319) in its Article 2(1) uses the expression "every Polish citizen"- what is in conformity with the Constitution and further provides that "the right to vote is enjoyed by persons..." and "the right to stand for election is enjoyed by every person enjoying the right to vote".

66. Statistical data presented in Part I of this Report indicate that women's participation in the recent election to the Parliament and the election at the level of the commune decreased as compared with previous periods.

67. Studies on the situation in this field in the entire post-war period indicate however that during each crisis or difficult economic and political situation the number of females in Parliament declined to increase in the periods of stabilisation. In the latter periods women were offered only the role of tokens what was the effect of applying specific principles in appointing the candidates for the election, which accorded the determined number of seats to each social group. Political activity of these candidates was not always taken into account. In difficult political situations no one remembered about tokens. So, one may judge on the actual political activity of women on the basis of their participation in Parliaments elected in periods of crisis, because then only these women acquired seats who could win in competition with men.

68. This thesis is confirmed by the recent election to the Parliament and to the local self-government. Although women are not so numerous as it used to be, they are more active. Some of them are chairpersons of parliamentary clubs or the initiators of drafts of legal acts.

69. A different question is why the number of female parliamentary candidates is so limited. It seems that - similarly as in other countries - it is the result of smaller experience of women in political competition caused i.a. by their double burden, the lack of strong women's organisations, which would prepare women for political activity as well as by men's domination at the leadership positions in political organisations and parties.

70. (b) Polish legislation ensures to women equal rights to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

71. However in practice women's participation in decision-making is disproportionate to the level of their education and employment what is indicated by statistical data presented in Part I of this Report. We should look for the reasons of such situation by examining two possible roads to decision-making positions: via political parties, trade unions and associations and via advancement in the civil service.

72. As it was noted earlier, there are only a few, if any, women in the top echelons and executive bodies of political parties. Only a few parties have their female sections. On the other part women's organisations are not strong enough to prepare women for political functions.

73. As regards women's careers in national civil services, studies undertaken by the Office of the Government Plenipotentiary for Women's Affairs show that women are advanced more rarely than men to managerial posts, although they constitute the majority of civil servants. Usually their advancement stops at lower and medium managerial levels. Even in ministries in which the highest proportion of women in the managerial staff is noted, such as the ministry of culture and arts or health and social protection, only a few women exceed the level of a deputy director of department.

74. On one part it is the result of the fact that women traditionally devote more time than men to home and upbringing of children and on the other part it is the effect of the division of roles between women and men in the place of work, maintained in social consciousness.

75. (c) The Act of 7 April 1989 - the Law on Associations (Dziennik Ustaw No.20, Text 104), which has been formulated in accordance with the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights, guarantees to all the citizens equal rights of participation in political life of the country, expressing their opinions and realising their individual interests in associations. In this field the national legislation fully implements the provision of Article 7(c) of the Convention.

76. Part I of this Report contains an information on women's organisations functioning in Poland.

Article 8

77. As statistical data presented in part I of the Report indicate, the Ministry of Foreign Affairs belongs to the ministries with the smallest proportion of women in managerial staff. It concerns both the ministry and its foreign branches. Improvement of situation in this field in accordance with Article 8 of the Convention is particularly important in connection with the reorganisation of the Ministry of Foreign Affairs which is being carried out at present.

78. The staff exchange performed in the framework of this reorganisation consists in the recruitment of new staff in a way of open competition, with no discrimination against women. Among 500 persons who have passed the first stage of a competition, one fourth are women. Some of the managerial posts are also to be filled in a way of a competition.

Article 9

79. As it was described in previous reports on the implementation of the Convention, the Act of 15 February 1962 respecting the Polish citizenship, which i.a. regulates the matters of Polish citizenship of married women and taking decisions on the citizenship of children from mixed marriages, is based on the principle of equality of sexes.

80. At present activities are carried out to amend this Act. New proposals do not provide for any limitations as regards the choice of a citizenship by women in connection with their marriage with a foreigner or after the end of such marriage. The new draft provides that the citizenship of a woman married to a foreigner may be changed in result of her declaration and never automatically.

81. The new draft grants to both parents equal rights of taking decisions on the citizenship of their children.

Article 10

82. Women in Poland have equal with men access to education at all the levels and take advantage of these opportunities what is reflected in their high proportion among students and graduates of second and third-level schools (see the data presented in part I of this Report).

83. Education is one of the most female dominated sectors of economy. At present women occupy over 73 per cent of the total number of managerial posts in primary and secondary schools and almost 80 per cent of posts of deputy directors.

84. Managerial posts in higher schools are occupied mainly by men. Only four posts of prorectors are occupied by women.

85. Schools play an important role in dissemination of principles of equality of sexes and in promoting the partnership of all the family members (see the previous Report). We additionally inform that in the second-level schools providing the general education pedagogical classes have been instituted i.a. to prepare pupils for roles of spouses and parents. Among the complementary subjects pupils express their interest particularly in pedagogic and psychology.

Article 10(g) and Article 13(c)

The role of women in physical culture in Poland

86. In record-seeking sport women represent 18.1 per cent of participants and in the organized forms of universal physical culture ca 27 per cent of participants (data of the Committee for Youth and Physical Culture). The situation is thus unsatisfactory even if we take into account the fact that women are not active in certain sport disciplines, such as boxing, hockey, rugby or wrestling.

87. However there are such sport disciplines in which the proportion of women is high,[13] for example:

- artistic gymnastics 100 per cent;
- figure skating 64.4 per cent;
- horse-riding 62 per cent;
- sport gymnastics 51.5 per cent;
- water jump 45.5 per cent;
- volley-ball 42 per cent;
- athletics 41.5 per cent.

88. The limited participation of females in the physical culture is connected with the problem of roles, values, norms and cultural stereotypes in the process of education and then with the problem of functioning of women in adult world.

89. To find out if sport as a specific area of social activity offers sufficiently attractive proposals in the aspect of socialisation and if its present structural and organisational form creates equal opportunities of development for male and female sections, the Government entrusted the Institute of Sport with the task of performing research studies on social and organizational conditions of females in the record-seeking sport. This kind of sport activity has been examined because women who chose it - to a certain degree fight with the existing stereotypes.

90. From the standpoint of women one must admit that they are not encouraged to active participation in sport, because the appraisal of their activity (and its effects) does not take into account their different opportunities perceived in the context of material, organisational, structural and/or sociocultural conditions. In women's opinion, in difficult conditions in which clubs function now, the male sections are being favoured.

91. This unsatisfactory situation requires the governmental action. It is planned to grant subventions to sport clubs for the development of female sections.

92. A kind of discrimination of women is also noticed in sport academies and institutes preparing the training staff for sport. Programmes of these academies do not take into account specific biological features of women, their cultural and social needs what makes the work of instructors and organisers of female sport very difficult. To change this situation the Government is taking the steps aimed at elaborating the complex programme in this field.

Article 11

(a) Employment

93. Because of the situation existing at the labour market up to now (full employment), habits and ways of thinking, Poles are not well prepared for

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13 Statistical Yearbook of Poland of 1989, p.p. 496 and 497, Table 13 (760);

unemployment, which has become a reality (see the data presented in part I of this Report).

94. Women are affected by this situation much more than men because due to their double burden (occupational and home responsibilities) they are weaker partners in competition at the labour market.

95. Studies carried out by the Ministry of Labour and Social Policy indicate that in January 1990 male unemployment increased more than the female one, however in next months the situation has become more balanced and it may even be reversed, when the fundamental changes take place in these industrial branches in which women are predominantly employed (mainly in the textile industry) what will result in group reductions.

96. At present regional labour offices report the increasing registration of women who had been (statistically) economically inactive so far, being concerned with the household management or working on a farm. There have also come to register young women recently married and waiting for a child birth.

97. The situation will change soon, because in accordance with the recent amendment of the Employment Act only these unemployed are entitled to allowances who in the period of twelve months prior to the date of registration have been the party to an employment relationship for the period of 6 months. Although the proportion of females in the total unemployment is similar to their participation in employment (respectively 46 and 49 per cent), they experience larger difficulties than men in finding employment (there are 9 men for one vacancy for men and 36 women for one vacancy for women).

98. Active prevention of unemployment is particularly important in Polish conditions where the unemployed are to a large degree in the productive age, often young (school graduates). Payment of unemployment allowances cannot be the priority in elimination of unemployment and its effects. Offensive actions are necessary.

99. Problems of the governmental activity in the field of employment have been regulated by the Employment Act of 28 December 1989 (Dziennik Ustaw No.75, Text 446). The principles of this activity concern both men and women and consist in:

- availability of placement services to all the job-seekers,
- voluntary character of benefitting or not from the placement services,
- equality which means that employment organs are obliged to grant assistance to all the job-seekers in finding employment irrespective of their nationality, membership to political or social organisations, their sex, religion, opinion or other circumstances,
- public character of placement services meaning that each vacancy reported to a labour office is publicly announced.

100. Labour offices present job offers, organize retraining (in the period from 1 January 1990 to 30 May 1990 the training was organized for 1 702 unemployed persons), public works (34 thousand in the described period), grant loans for starting

own-account work by the unemployed (835 in the described period) and loans for enterprises creating additional places of work (994 in the described period).[14]

101. The following examples illustrate the above mentioned activities:

- training courses organised for men and women, such as: courses on book-keeping, sewing, typewriting, training for bus and tram drivers;

- public works i.a. at post offices, in construction enterprises, in hospitals, in museums, in municipal undertakings;

- the character of economic activity started by the unemployed: shops, bookshops, small restaurants, services (photographic, transport, car etc.), animal husbandry, production of building materials, sewing, knitting.

102. To promote the establishment and development of the small-scale industry the Bank of Social and Economic Initiatives has been created. The Ministry of Labour and Social Policy is the initiator and major shareholder of this Bank (in 80 per cent - from the means of the Labour Fund). It is a credit bank which aims at limiting the scale and effects of unemployment with the aid of economic instruments. It grants long- and medium-term credits to enterprises intending to create new posts and to the unemployed willing to start economic activity. As the unemployed do not have at their disposal enough money to serve as a credit guarantee, the Bank creates a guarantee fund.

103. Women and men have equal access to the above described forms of assistance. Among the forms of assistance addressed only to women the project of establishing in Poland of a branch of the World Women's Bank should be mentioned (see part I of this Report).

(b) Protection of women's work

104. In January 1990 there came into force the Act of 28 December 1989 on the detailed principles of terminating workers' employment relationships for reasons concerning enterprises (Dziennik Ustaw No.4 Text 19 of 1990). Provisions of this Act are applied only in the case of termination of employment relationships for reasons concerning enterprises and in the situation of reductions in employment for economic, organizational, production or technological reasons.

105. Article 6 of this Act provides for the protection of employment relationships of certain categories of workers (including women) which concerns both the termination of individual employment relationships and group reductions (excluding liquidation and bankruptcy of enterprises).

106. In accordance with these provisions it is prohibited to terminate an employment relationship with a pregnant woman and a woman during her maternity leave, except in the case of liquidation or bankruptcy of an enterprise. If her further employment in the previous conditions is not possible an enterprise may only cancel her contractual conditions of employment or remuneration. If it results in a reduction in her rate of remuneration she is entitled to a compensatory allowance up to the end of the protective period.

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14 This form of activity is at the first step of organization and will be intensified with the aid of the Government and the non-governmental organizations.

107. As regards the protection against the termination of employment relationships of women workers during child-care and unpaid leaves or absence from work because of sickness or the children's sickness, Article 41 of the Labour Code is applied. It prohibits to terminate a worker's contract of employment with notice while he is on leave or while he is absent from his work for any other valid reason, if the period entitling an enterprise to terminate the contract without notice has not yet expired. The described Act modifies this Article in the situation of reductions in employment for reasons concerning enterprises. It allows for the cancellation of contractual conditions of employment or remuneration of these workers, guaranteeing them at the same time the right to a compensatory allowance for the period of 6 months if such a cancellation results in a reduction in remuneration. It is not however admissible to terminate an employment relationship with a worker during his leave shorter than 3 months.

(c) Wages

108. In the reporting period the rules of remunerating workers were changed. The Act of 26 January 1984 on the principles of introduction of enterprise wage systems (an uniform text of 1988 - Dziennik Ustaw No.28, Text 196) increased the possibilities of the socialised enterprises to carry out the flexible wage policy at the enterprise level. These principles concern all the employed irrespective of sex. They do not create any opportunity for their unfavourable interpretation in relation to women. The superior principle in the wage policy is dependence of the level of remuneration on work effects.

109. The Council of Ministers has determined the uniform principles of job evaluation which concern all persons employed in the socialised economy irrespective of sex.

110. The just application of all these principles should contribute to the elimination of differences in men's and women's wages at the comparable posts which sometimes exist in practice.

(d) Assistance for mothers of children requiring special care

- The Order of the Council of Ministers of 1 February 1988 changing the Order on the child-care leaves (Dziennik Ustaw No.3, Text 14) introduced an opportunity of granting the child-care leave up to the moment of reaching by a child of 18 years of age (previously 10 years) if a health care institution confirms that a child is chronically ill, physically or mentally disabled. The period of the leave cannot exceed 6 years (as previously);

111. Since 1 January 1989 mothers of children requiring special care have been offered an opportunity of earlier retirement irrespective of their age (Order of the Council of Ministers of 15 May 1989 - Dziennik Ustaw No.28, Text 149). Granting of an earlier old-age pension (in full amount) depends on the completion of the following conditions:

(1) 20 years of employment together with periods considered as employment periods or included to them,

(2) taking care of a child being the disabled of group I (also group II in respect of some diseases), if it is disabled since its birth or has become disabled prior to reaching the age of 18 years.

112. If a mother is dead or is not able to personally take care of a child, the right to earlier retirement may be granted to a father or another person taking care of a child.

Article 12

113. The situation in legislation and practice in the field covered by this Article did not change in the reporting period.

Article 13(a) and (b)

114. Women in Poland have equal rights to family benefits, to bank loans, mortgages and other forms of financial credit.

115. All these benefits and credits are granted irrespective of sex.

Article 14

116. In the socialised agriculture women represent over 27 per cent of employment and in individual farms - 47.7 per cent. About 30 per cent of individual farms are run by women. Similarly as in urban areas, rural areas are characterised by high rate of women's education.

117. In the academic year 1989/90 women represented ca 40 per cent of persons who entered third level of education in agricultural academies. They also represented 48 per cent of pupils admitted to secondary and vocational agricultural schools of second level. At the same time they constituted 25 per cent of participants of various forms of agricultural courses.

118. Difficult working and living conditions in rural areas result in the outflow of young peasants to towns. It mainly concerns girls. Main Statistical Office informs that in 1988 for every 100 bachelors aged 18 to 29 years living in rural areas there were 51 girls, i.e. by 22 girls less than in towns.

119. Governmental activities aiming at the improvement of working and living conditions of rural women were carried out in the reporting period in the framework of the Governmental Programme respecting the improvement of living conditions in rural areas up to 1990, adopted on 30 March 1984 (Resolution of the Council of Ministers No.47/84 described in the previous Report). They covered i.a.:

- improvement of the situation as regards water supply for rural areas (in 1988 waterworks were constructed for 60.500 households and in 1989 for ca 57.600 households);
- improvement of working conditions (in result of applied measures, employment accidents decreased in 1989 by ca 8 per cent - as compared with 1988 - and sickness allowances in respect of these accidents for individual farmers decreased by ca 11 per cent);
- increase since 1 May 1990 of the level of family allowances for families with low incomes on the basis of the Order of the Council of Ministers of 27 April 1990 respecting family allowances for individual farmers and members of their families (Dziennik Ustaw No.29, Text 176).

120. Modernisation of farms, which facilitates rural women's life and work, is promoted by information and counselling services of the voivodship centres of agricultural progress. In 1988 there functioned over 2 000 female trainers who co-operated with over 38 thousand farms and in 24 thousand training courses ca 290 thousand rural women participated.

121. The main training topics were:

- development of vocational skills,
- dissemination of principles of rational nutrition,
- sanitation and health,
- creation of suitable conditions for up-bringing of children and for the family life.

122. In 1989 the Prime Minister established an office of the Minister-Member of the Council of Ministers for Living Conditions in Rural Areas responsible i.a. for creation of the legal basis for the improvement of these conditions (elaboration of the new pension scheme for peasants, determination of methods of financing social activities in rural areas, offering financial support for the initiatives in development of rural infrastructure, development of services and handicraft, etc.), with the aid of financial means of the European Fund For Development of Polish Agriculture.

Article 15

123. In areas covered by this Article the legislation did not change in the reporting period.

Article 16

Alimony benefits

124. Female headed one-parent families represent almost 14 per cent of families in Poland (15 per cent in urban areas) - by 2 per cent more than in 1984. Their economic situation is particularly difficult in the period of economic crisis. Benefits from the alimony fund (launched by the Act of 18 July 1974), described in Report I on the Convention, are a form of assistance for them. We should only recall that the right to benefits from the alimony fund depended on material situation of a family. It was assumed that the level of benefits would correspond to the level of alimonies determined by the court, however it could not exceed the prescribed limit what considerably decreased the real value of benefits (for example in 1988 an average amount of an alimony benefit was 3 317 zlotys while an average monthly pay amounted to 53 090 zlotys).

125. In 1989 legal provisions governing the principles of calculation of alimony benefits were considerably amended (Act of 30 May 1989 - Dziennik Ustaw No.35, Text 191). The level of alimony benefits has been determined parametrically in connection with an average monthly pay of workers in the socialised economy in a previous calendar year. The upper limit of a benefit has been fixed at the level of 25 per cent of this pay. The condition of material situation of a family entitled to a benefit has been eliminated.

Abortion law

126. At present in Poland there remains in force the Act of 27 April 1956 on conditions of permissibility of abortion, which was described in Report I on the Convention. It allows for the abortion performed on account of medical reasons, difficult living conditions of a pregnant woman or if there are justified reasons to believe that pregnancy occurred as a result of a criminal act.

127. In spring 1989 76 deputies to the Seym of previous term initiated the works on the new act respecting the protection of an unborn child. The draft provided for the general amendment of the giving to an unborn child the status of a born human being and providing for the penalty of deprivation of liberty both of a woman who has decided to terminate her pregnancy and of a physician who performed an abortion.

128. The document caused heated public discussions and even demonstrations both of supporters and opponents of a new draft. It had not been however the subject of debate in the Seym. In December 1989 a group of 37 senators applied to the President of the Senate for adoption by the Senate of the draft act discussed in the Seym of IX term.

129. In result of the debates it has been however decided to establish a working group for the elaboration of a new document which could become the legislative initiative of the Senate. A new draft of the Act on the protection of an unborn child was on 29 September - after prolonged debates - adopted by the Senate in effect of the roll-call vote.

130. It provides for the following major changes in the Penal Code:

- persons who cause the death of an unborn child are subject to deprivation of liberty up to 2 years,
- a mother of an unborn child who produced a miscarriage or induced to do it or collaborated in an abortion is not subject to a penal sanction,
- no offence is committed if abortion was necessary for elimination of a danger to a pregnant woman's life or if the pregnancy was a result of a criminal act,
- in particularly justified cases a court may desist inflicting a penalty upon a person performing an abortion.

131. The draft has been transmitted to the Seym to carry on the legislative procedure. It is not known if a new Act is included to a set of the most important laws that should be adopted by the Seym prior to the termination of its term. Even if it is adopted by the Seym the principal changes in the Penal Code would come into force after 6 months from the date of its announcement.

132. The draft Act provoked controversies and heated discussions both in the Senate and in public opinion. On the day of the adoption of the draft the demonstration of its opponents took place in front of the Parliamentary building. In the public the opinion prevails that there are no optimistic forecasts as on the effectiveness of the recourse to penal repression aimed at limiting the scale of the phenomenon of abortion. The protection of the beginnings of human life should be carried out rather through the activities of economic, social and education character as well as with the use of legal institutions created by the civil, family or administrative law and from the sphere of health protection. The awareness of the society and the provision of the contraceptives should be improved.

CONCLUSION

133. 1 September 1990 was the fourth anniversary of establishment in Poland of the office of the Government Plenipotentiary for Women's Affairs in implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women of 1985. In 1990 there also ends its operation the Governmental Programme for the advancement of the socio-professional status and living conditions of women.

134. It is thus the most appropriate moment for reviewing the situation of women in Poland and appraising the activities taken by the Government, in implementation of the Programme. It is also a suitable moment for determination of directions of further activities in this field, taking into account the changing political and socio-economic situation of Poland.

135. Analysis of reports on the implementation of the Programme by the central and local organs of state administration and the outcomes of the report on the women's legal status, prepared by the Government Plenipotentiary for Women's Affairs, allow us for the following conclusions:

In the Polish legal system there are no indications of women's discrimination in the meaning of Article 1 of the Convention. Polish legislation contains provisions referring equally to men and women. If in specific cases different provisions are applied to women, they result from the intention of protecting women, due to their psychophysical features and biological functions (maternity).

However in the society - including women's milieu - the knowledge on the legislation in force is insufficient. For this reason women are not always able to consciously benefit from their rights and to effectively fight for their full and universal implementation in practice.

And the practice unfortunately often does not conform with the law. It particularly concerns women's equal participation in the public and political life at the national and international level (Articles 7 and 8 of the Convention), equal rights of women to professional advancement and their rights to equal remuneration (Article 11 of the Convention) and most of all implementation of Article 5 of the Convention which obliges States Parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, based on the idea of stereotyped roles for men and women.

The change of this unfavourable situation i.a. through exerting an influence on the social consciousness should be the objectives of activity in favour of women in future Another objective should consist in improvement of women's situation, deteriorating in effect of the economic crisis, i.a. through various forms of assistance for the unemployed women, single mothers, start assistance and ending on the material aid.

At present works are carried out on the amendment of legal provisions respecting activity and tasks of the Government Plenipotentiary for Women's Affairs. These works take into account both objectives mentioned above.